

REMARKS/ARGUMENTS

Claims 1, 2, 4-8 and 10-14, and 16-17, 19, and 20 are pending in this application. Claims 3, 9, 15, and 18 have been canceled without prejudice or disclaimer. Claims 1, 2, 5, 7, 8, and 14-16 are amended for minor editorial purposes, in accordance with the Office's suggestions. The amendments are supported by the specification and claims, as originally filed. No new matter has been added. Reconsideration of the application is requested in view of the following remarks.

Objection to the Specification

The objection to the specification is respectfully traversed. According to the Office, the amendment (Preliminary Amendment) filed June 9, 2006 introduces new matter into the specification, since it incorporates the priority applications by reference. However, Applicants point out that the disclosure of the present application is fully supported by the priority applications, in which no new matter has been introduced. Applicants also point out the Office has not shown or pointed to any disclosure in the present application which would be considered new matter. As such, the rejection is improper. Accordingly, withdrawal of the rejection is requested.

Claim Rejection under 35 U.S.C. § 101

Claim 9 is rejected under 35 U.S.C. 101 because it is drawn to a use. As indicated above, claim 9 has been canceled. Accordingly, the rejection is moot. Withdrawal of the rejection is requested.

Claim Rejection under 35 U.S.C. § 112

The rejection of claims 1-20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, is respectfully traversed. In accordance with the Office's suggestion, the phrase "if desired" has been amended to recite "optionally." In addition, the phrase "specified in the description" has been removed. Applicants submit that the claims, including the methods for determining the refractive indices, etc., are clearly understood in light of the specification. Accordingly, withdrawal of the rejections are requested.

Claim Rejection under 35 U.S.C. § 103(a)

The rejection of claims 1-2, 4-10, 14, 16-20 under 35 U.S.C. § 103(a) as obvious over WO 97/08241 to Tiefensee is respectfully traversed. As shown above, claims 1 and 8 have been amended to include claim 3, in accordance with the percentages for C22.

The Office asserts that Tiefensee describes a significant overlap of the ranges of the components of the claimed thermoplastic molding composition, except for component C22 (at a level of 40-60%). The Office further asserts that there will not be any substantially different/unexpected results outside of the range for C22.

In response, Applicants submit that the presently claimed thermoplastic molding composition provides improved molding materials over Tiefensee. As recited above, amended claims 1 and 8 specify the range of C22 to “63 to 70%” (and C21 to “30 to 35%, C23 to “0 to 2%”). These improvements include chemical resistance and water uptake, as described throughout the present specification. Further, as shown by the examples and comparative examples in the present specification, an increase in the fraction of methacrylic ester in the first graft shell leads to the solution, which is not described or suggested by Tiefensee. In particular, the examples prove an effect for 63% (ex. 4) compared to 58% C22 (comp. ex C4). These effects, within the claimed ranges, are not indicated in the references of record.

Accordingly, the claimed invention is not obvious in view of the cited references. Therefore, withdrawal of the rejection is respectfully requested.

In view of the foregoing, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 03-2775.

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Reply to Office Action dated December 23, 2008
Amendment dated March 23, 2009

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00256-US from which the undersigned is authorized to draw.

Dated: March 23, 2009

Respectfully submitted,

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